

1/9/2021 11:50 AM

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF COLUMBIA

James D. Huffman, and City of St. Helens
Oregon, by and through James D. Huffman, a
taxpayer, in Trust for the Taxpayers of the
City of St. Helens Oregon,
PLAINTIFFS,
Vs.
Amy Lindgren, Samuel Erskine and City of
St. Helens,
DEFENDANTS.

Case No. 21CV00852

COMPLAINT

Claim Not Subject to Mandatory Arbitration
Filing fee Established by ORS 21.160 Tort
Action

Amount in Controversy \$100,000

Comes now Plaintiff and makes this complaint against the defendants as follows:

1

Plaintiff, in his individual capacity, is a taxpayer and citizen of Columbia County Oregon and the City of St. Helens. Plaintiff is bringing this action as a private individual, and as a taxpayer and private attorney general on behalf of the taxpayers of the City of St. Helens. Any and all damages awarded which arises from this representative capacity should become the rightful property of the citizens of the City of St. Helens and used for civic purposes for City Parks and youth sports.

2

The City of St. Helens Oregon maintains a pretext of a municipal court but in truth and in fact it is an administrative office of the City of St. Helens within the City executive department.

Defendant Amy Lindgren is the department head of this department, and her direct supervisor is

defendant Matthew Brown, both of whom exercise joint control over the operation of the judicial department. Amy Lindgren is unlawfully employed by the City of St. Helens and she is not legally authorized to perform any of the duties that she purports to perform. She is fraudulently usurping, under a false pretext, a position that she claims is the office of a municipal judge. In truth and in fact, she is nothing more than a member of the executive department of the City of St. Helens. She serves solely at the unfettered discretion of the City Council as a member of the executive branch of government of the City of St. Helens, she is directly under the control of defendant Matthew Brown, and she may be terminated at any time with or without cause by the City of St. Helens. In accordance with the executive authority granted to her by defendant Brown, she has exercised authority to direct department staff to expend city resources at her whim and unfettered direction and control. This complaint seeks to recover illegal expenditures authorized and directed by her, that is completely outside of any public duties of any staff members of the City of St. Helens, with or without city council direction.

3

The City of St. Helens charter has made provision for the purported municipal court department to be a court of record, to follow all state laws in the operation of a court system, which includes the Oregon Constitution which requires all judges to be elected, and which prohibits persons from holding position in different branches of government, those branches being the legislative, executive and judicial branches, and which prohibits one person from holding more than one public office. The defendant Lindgren was not qualified to be employed in any capacity as a judicial officer in the judicial branch of the city, (if there was truly such a branch) and in addition, she serves and or served, at relevant times herein, as a public prosecutor for the City of

1 Happy Valley Oregon, which is an office in the executive Branch of government, thus preventing
2 her from performing duties in the other two branches of government, and she also holds several
3 offices as a purported Municipal Court Judge in other municipalities in the State of Oregon,
4 which violates the constitutional provision prohibiting one person from holding multiple
5 lucrative public offices. The City of St. Helens has by ordinance adopted all of the state
6 misdemeanor statutes governing criminal laws, and the entirety of the state traffic code, the
7 direct result of which makes all of these constitutional provisions fully applicable to all of the
8 actions of the City and of its purported public officers and agents which are complained of in this
9 complaint.

10 4

11 On or about calendar year 2018, defendant Lindgren began receiving lucrative salary from the
12 City of St. Helens, and continuing through the present, all of which she was not legally
13 authorized to receive, due to her unconstitutional holding of multiple disqualifying offices, which
14 she continues to hold throughout the period of time alleged in this complaint, and the defendant
15 Lindgren should be required to disgorge, refund and repay all of the illegal payments to the
16 taxpayers of the City of St. Helens.

17 5.

18 On January 3, 2019, plaintiff appeared at the Municipal Court and orally informed Defendant
19 Lindgren that she was being disqualified from hearing a case concerning a client of the plaintiff,
20 and that as a result she was not allowed to hear any matter or proceeding regarding the citizen.
21 Defendant Lindgren, who at that time was no longer a judge in any sense of the word, insisted on
22 dealing with the case she was no longer involved in, even as a usurper, and she placed a call with
23

1 a person who had been qualified and accepted as a pro tem judge in St. Helens. He was not at his
2 phone. She then illegal, and without any authority, set the matter over for one week, over the
3 strong protest of the plaintiff, who indicated to her that she could not hear a motion for her
4 disqualification, and that she was required by law to indicate if she objected to the
5 disqualification, and if did, a neutral judge had to try the matter and that she was not allowed to
6 sit in judgment of her own disqualification. As a matter of Oregon law, a judge may not be a
7 judge when she herself is a party to the dispute.

8 Defendant Lindgren never filed any objection to the disqualification, and attempted to
9 usurp a judicial position that she was not qualified to occupy, all of which was objected to by the
10 plaintiff.

11 6

12 On January 10, 2019, defendant, ordered the plaintiff handcuffed by the St. Helens Police, who
13 she had secretly summoned, and usurped a public office she did not hold, by pretending to
14 conduct a summary finding of contempt of court, and ordered plaintiff imprisoned in the county
15 jail for six hours, and violated his rights and the rights of all of plaintiffs other clients. This
16 conduct was a violation of the plaintiffs state a federal constitutional rights and is tortious, and
17 was done with actual malice. It was maliciously and out of greed because she was paid by the
18 hour and if she was disqualified, she would not be able to submit billable hours.

19 All of these acts constitute the torts of malicious prosecution, assault and battery, false
20 imprisonment, and violation of the plaintiffs right to due process and equal protection, and
21 interference with contract that plaintiff had with other clients, and interference with prospective
22

23

24 Page 4 – COMPLAINT

advantage by driving off present and future clients out of fear of retaliation and reprisals from an out of control public official.

7

Plaintiff provided written notice required under the Oregon Tort Claim Act in a timely manner as required by law.

8

Defendant city of St. Helens was negligent for failing to properly vet the background of the defendant Lindgren, and for not providing a pro tem judge to preside over Lindgren's disqualification. The defendant was aware through its agents Matthew Brown, John Walsh, and attorney Sam Erskin that a pro tem judge was needed, and it did not take appropriate steps to assure that one was assigned. Defendant Erskin made a false representation after defendant Lindgren attempted to reach the pro tem judge who had previously presided over a case that defendant Lindgren was disqualified for, and he had no right to do so, his interference with the disqualification was an abuse of process for a malicious and improper purpose and he had no standing to object. Defendant Erskine made a false a malicious statement that the City of St. Helens had no provision for pro tem judges, when in truth and in fact, the office of pro tem judge is specifically established in the City Charter.

Wherefore, plaintiff prays for judgment in a sum to be proven at trial, not less than \$100,000 on all claims asserted in his personal behalf, and on behalf of the taxpayers for the City of St. Helens in trust for the use and benefit of the taxpayers for the public purposes set forth herein, in a sum that will be discovered prior to trial, against the defendant Amy Lindgren and for any other public purpose the law allows, and for costs, and disbursements

24 Page 5 – COMPLAINT

Dated this 9th day of January, 2021.

/s/ James D. Hoffman

24 Page 6 – COMPLAINT

**Notice of Removal
Defs' Ex. 1 (6 of 6)**

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNT OF COLUMBIA

James D. Huffman, and City of St.
Helens Oregon, by and through James
D. Huffman in trust, for the Taxpayers
of the city of St. Helens, Plaintiffs

v.
Amy Lindgren, Samuel Erskin, and City of
St. Helens Oregon,
Defendants.

No. 21CV00852

CIVIL SUMMONS

RECEIVED
FEB 22 2021

CITY OF ST. HELENS

TO: Amy Lindgren, 277 Strand, St. Helens OR 97051
Samuel , 277 Strand, St. Helens Oregon 97051
City of St. Helens, 265 Strand, St. Helens OR 97051

You are hereby required to appear and defend the complaint/petition filed against you in the above entitled action within thirty (30) days from the date of service of this summons upon you, and in case of your failure to do so, for want thereof, the plaintiff/petitioner will apply to the court for the relief demanded in the complaint/petition.

**NOTICE TO DEFENDANT/RESPONDENT: READ THESE PAPERS
CAREFULLY!**

You must "appear" in this case or the other side will win automatically. To "appear" you must file with the court a legal paper called a "motion" or "answer". The "motion" or "answer" must be given to the court clerk or administrator within 30 days along with the required filing fee. It must be in proper form and have proof of service on the plaintiff's/petitioner's attorney or, if the plaintiff/petitioner does not have an attorney, proof of service upon the plaintiff/petitioner.

If you have any questions, you should see an attorney immediately. If you need help in finding an attorney, you may call the Oregon State Bar's Lawyer Referral Service at (503) 684-3763 or toll-free in Oregon at (800) 452-7636.

STATE OF OREGON, County of Columbia

) ss.

I, the undersigned attorney of record for the plaintiff/petitioner certify that the foregoing is an exact and complete copy of the original summons in the above entitled action.

Jam D Huff
Attorney of Record for Plaintiff/Petitioner

TO THE OFFICER OR OTHER PERSON SERVING THIS SUMMONS: You are hereby directed to serve a true copy of this summons, together with a true copy of the complaint/petition mentioned therein, upon the individual(s) or other legal entity(ies) to whom or which this summons is directed, and to make your proof of service on the reverse hereof or upon a separate similar document which you shall attach hereto.

Jam D Huff
Attorney for Plaintiff/Petitioner

Post Office address at which papers in the above-entitled action may be served by mail:
52904 NW Cliff Drive, Scappoose Oregon 97056,

(503) 397-6918

CERTIFICATE - TRUE COPY

I hereby certify that the foregoing copy of complaint/petition is a complete and exact copy of the original.

PAGE 1 - CIVIL SUMMONS

Date : 02/22/2021

Page : 1

COLUMBIA COUNTY SHERIFF'S OFFICE
CIVIL DEPARTMENT
RETURN ON
SUMMONS & COMPLAINT

ORIGINAL

3242021

PROCESS INFORMATION					
CAUSE NUMBER 27413		SEQ # 1	COURT #	COURT NAME COLUMBIA COUNTY CIRCUIT COURT	INCIDENT NUMBER 21CV00852
PROCESS TYPE SMC	CURRENT STATUS SERVED	DATE RECEIVED 02/19/2021		TIME RECEIVED 16:55	EXPIRATION DATE 02/22/2021
PLAINTIFF HUFMAN, JAMES D					
DEFENDANT LINDGREN, AMY					
PROCESS STATUS					
CURRENT STATUS S		# ATTEMPTS TO SERVE 1	DATE SERVED 02/22/2021 08:50		DATE RETURNED TO COURT 02/22/2021
I, Brian E. Pixley, Sheriff, State of Oregon, Do hereby Certify that I received the within and foregoing on 02/22/2021 and that I served the same on the Defendant : SUMMONS & COMPLAINT LINDGREN, AMY 277 STRAND ST ST HELENS, OR 97051-					
Served at 08:50 on 02/22/2021 by ALEX BUBAR					
Civil Summons, Complaint - SERVED TO PERSON APPARENTLY IN CHARGE - KATHY PAYNE - CITY RECORDER/HUMAN RESOURCES.					
TRIAL COURT ADMINISTRATOR Kan. 2021 FEB 22 PM 1:22					
<small>STATE OF OREGON COLUMBIA COUNTY COURTS</small>					
Dated: 02/22/2021					
Brian E. Pixley Sheriff					
By: Alex A. Bubar 46559 Deputy					
The copies referred to the above were certified to be true copies of the originals by: () _____ Attorney for the Plaintiff. () _____ The Plaintiff. () _____ Clerk of the Court. () _____ Me as Sheriff. () _____					

Date : 02/22/2021

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**COLUMBIA COUNTY SHERIFF'S OFFICE
CIVIL DEPARTMENT
RETURN ON
SUMMONS & COMPLAINT**

ORIGINAL

PROCESS INFORMATION					
CAUSE NUMBER 27412		SEQ # 2	COURT #	COURT NAME COLUMBIA COUNTY CIRCUIT COURT	INCIDENT NUMBER 21CV00852
PROCESS TYPE SMC	CURRENT STATUS SERVED	DATE RECEIVED 02/19/2021		TIME RECEIVED 16:55	EXPIRATION DATE 02/22/2021
PLAINTIFF HUFEMAN, JAMES D					
DEFENDANT ERSKIN, SAMUEL					
PROCESS STATUS					
CURRENT STATUS S		# ATTEMPTS TO SERVE 1	DATE SERVED 02/22/2021 08:50		DATE RETURNED TO COURT 02/22/2021
I, Brian E. Pixley, Sheriff, State of Oregon, Do hereby Certify that I received the within and foregoing on 02/22/2021 and that I served the same on the Defendant : SUMMONS & COMPLAINT KM					
ERSKIN, SAMUEL 277 STRAND ST ST HELENS, OR 97051- Served at 08:50 on 02/22/2021 by ALEX BUBAR					
Civil Summons, Complaint - SERVED TO PERSON APPARENTLY IN CHARGE - KATHY PAYNE - CITY RECORDER/HUMAN RESOURCES.					
2021 FEB 22 PM 11:22					
TRIAL COURT ADMINISTRATOR					
STATE OF OREGON COLUMBIA COUNTY COURTS					
Dated: 02/22/2021					
Brian E. Pixley Sheriff					
By: Alex A. Bubar 46589 Deputy					
The copies referred to the above were certified to be true copies of the originals by: () _____ Attorney for the Plaintiff. () _____ The Plaintiff. () _____ Clerk of the Court. () _____ Me as Sheriff. () _____					

Date : 02/22/2021

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**COLUMBIA COUNTY SHERIFF'S OFFICE
CIVIL DEPARTMENT
RETURN ON
SUMMONS & COMPLAINT**

ORIGINAL

2/24/2021

PROCESS INFORMATION					
CAUSE NUMBER 27419		SEQ # 3	COURT #	COURT NAME COLUMBIA COUNTY CIRCUIT COURT	INCIDENT NUMBER 21CV00852
PROCESS TYPE SMC	CURRENT STATUS SERVED	DATE RECEIVED 02/19/2021		TIME RECEIVED 16:55	EXPIRATION DATE 02/22/2021
PLAINTIFF HUFEMAN, JAMES D					
DEFENDANT CITY OF ST HELENS, JOHN WALSH CITY ADMI					
PROCESS STATUS					
CURRENT STATUS S	# ATTEMPTS TO SERVE 1	DATE SERVED 02/22/2021 08:50		DATE RETURNED TO COURT 02/22/2021	
I, Brian E. Pixley, Sheriff, State of Oregon, Do hereby Certify that I received the within and foregoing on 02/22/2021 and that I served the same on the Defendant : SUMMONS & COMPLAINT By: KRC					
STATE OF OREGON COLUMBIA COUNTY COURTS 2021 FEB 22 PM 1:22					
FILED Trial Court Administrator					
CITY OF ST HELENS, 277 STRAND ST ST HELENS, OR 97051- Served at 08:50 on 02/22/2021 by ALEX BUBAR					
Civil Summons, Complaint - SERVED TO PERSON APPARENTLY IN CHARGE - KATHY PAYNE - CITY RECORDER/HUMAN RESOURCES.					
Dated: 02/22/2021			Brian E. Pixley Sheriff By: <i>A. Bubar 46589</i> Deputy		
The copies referred to the above were certified to be true copies of the originals by: () _____ Attorney for the Plaintiff. () _____ The Plaintiff. () _____ Clerk of the Court. () _____ Me as Sheriff. () _____					

1/9/2021 11:50 AM

JAMES D. HUFFMAN

JAMES D. HUFFMAN

ATTORNEYS AT LAW

TELEPHONE: (503) 397-6918

Mail: 52904 NW Cliff Dr. Scappoose Or

FAX: (503) 397-6903

Office: 1905 COLUMBIA BLVD.

ST. HELENS, OREGON 97051

January 11, 2022

Trial Court Administrator
Columbia County Circuit Court
230 Strand
Courthouse
St. Helens OR 97051

21CV00852

Re: RESUBMISSION OF REJECTED FILING, RELATION-BACK DATE OF FILING
REQUESTED Filing No.

I am submitting this document for filing with a request for a relation back to the original filing date of January 9, 2022 and submit the following information in support of this request for relation back treatment. I submit the following details.

- a) the date of the original submission – Saturday, January 9, 2021
- b) the date of the rejection- Monday, January 11, 2021
- c) Reason for requesting relation back – I am out of the city today, and the last date to file this in person may be today.

Please note that I included this request in the comments filed with the submission.

Thank you for your professional courtesies.

Sincerely,

James D. Huffman

James D. Huffman